

KEVIN AND BONNIE POTTS,)
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Plaintiffs,)
))
vs.) **Case No. 1:17-cv-63 SNLJ**
))
DARYL COOPER d/b/a SPEED)
AUTOMOTIVE,)
))
Defendant.)

Defendant moves to amend the Case Management Order (“CMO”) (#32) because the defendant needs additional time to conduct the physical examination of plaintiff that defendant has timely requested. Defendant states that it needs additional time because there are voluminous records that the examining physician must review. In fact, the physicians defendant has thus far approached about conducting the examination have denied the request due to the 30-day timeframe required by the current CMO. Defendant also notes that the deadline to depose experts was April 2, and that would not be feasible in light of the ten experts defendant says plaintiff identified.

Plaintiffs say that the December 2018 trial should not be delayed because the defendant failed to hire an examining physician earlier. Further, plaintiff responds that he needs not produce the ten “experts” for depositions because they are treating physician witnesses and not experts.

There is still plenty of time in this matter before trial. Regardless of the nature of plaintiff's treating physicians, the defendant requires adequate time to depose them. The Court will enter the proposed amended order supplied by defendant, with a further extension of 15 days added to each relevant deadline. The Court will enter a revised CMO in accordance with this memorandum.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion to amend the case management order (#29) is GRANTED.

Dated this 19th day of April, 2018.

/s/ Stephen N. Limbaugh, Jr.

STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE